

HOUSE BILL REPORT

SHB 1333

As Passed Legislature

Title: An act relating to child welfare.

Brief Description: Concerning child welfare protections.

Sponsors: By House Committee on Early Learning & Children's Services (originally sponsored by Representatives Hinkle, Kagi and Walsh).

Brief History:

Committee Activity:

Early Learning & Children's Services: 2/9/07, 2/15/07 [DPS];
Appropriations: 3/3/07 [DPS(ELCS)].

Floor Activity:

Passed House: 3/6/07, 96-0.
Senate Amended.
Passed Senate: 4/5/07, 45-0.
House Refused to Concur.
Senate Amended.
Passed Senate: 4/19/07, 40-0.
House Concurred.
Passed House: 4/19/07, 98-0.
Passed Legislature.

<h3>Brief Summary of Substitute Bill</h3>

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| <ul style="list-style-type: none">• Makes several changes to current law relating to child safety and child welfare cases. |
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HOUSE COMMITTEE ON EARLY LEARNING & CHILDREN'S SERVICES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass.
Signed by 7 members: Representatives Kagi, Chair; Haler, Ranking Minority Member;
Walsh, Assistant Ranking Minority Member; Appleton, Hinkle, Pettigrew and Roberts.

Staff: Sonja Hallum (786-7092).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by 34 members: Representatives Sommers, Chair; Dunshee, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Haler, Assistant Ranking Minority Member; Anderson, Buri, Chandler, Cody, Conway, Darneille, Dunn, Ericks, Fromhold, Grant, Haigh, Hinkle, Hunt, Hunter, Kagi, Kenney, Kessler, Kretz, Linville, McDermott, McDonald, McIntire, Morrell, Pettigrew, Priest, Schual-Berke, Seaquist, P. Sullivan and Walsh.

Staff: Amy Skei (786-7140).

Background:

Dependency and Termination of Parental Rights Background

If there are allegations of abandonment, abuse or neglect, or no parent who is capable of caring for a child, the state may investigate the allegations and initiate a dependency proceeding in juvenile court. If the court finds the statutory requirements have been met, the court will find the child to be a dependent of the state.

Whenever the court orders a dependent child to be removed from the home, the court will enter a dispositional plan which will include the obligations of the parties including the parents, the supervising agency, or Department of Social and Health Services (Department), and the child. The dispositional order will contain an order for the placement of the child either within the home or outside of the home. If the child is placed outside the home, he or she may be placed with a relative or in non-relative foster care.

Within 60 days of assuming responsibility for the child, the Department is required to provide the court with a permanency plan for the child. The permanency plan will contain the desired goal for the child which may include a plan to return the child home, adoption, long-term placement, or guardianship, including a dependency guardianship. The court must hold the permanency planning hearing when a child has been in out-of-home care for nine months. The hearing must take place within 12 months of the current placement.

The status of all dependent children must be reviewed by the court every six months. During the review the court will examine the progress of the parents in meeting the requirements of the dispositional plan. At this hearing the court may return the child to the home if the parent has made sufficient progress.

If the parent fails to make progress in curing the parental deficiencies which led to the dependency, or if one of the statutory aggravating factors exist, a termination petition may be filed. Federal law requires that after a child has been in foster care for 15 of the past 22 months, the state must file a petition to terminate parental rights unless the child is being cared for by relatives, there is a compelling reason why termination would not be in the best interest of the child, or the state has failed to offer the necessary services to the parent.

If the court finds the statutory grounds for termination are met, the court will terminate the parental rights and the parent will no longer have rights, privileges, or obligations toward the child.

Task Force Background

In 2005, the Legislature formed a task force to review issues pertaining to the health, safety and welfare of children receiving services from Child Protective Services and Child Welfare Services. In 2006, the task force reported several recommendations to the Legislature for improving Child Protective Services and Child Welfare Services.

Summary of Substitute Bill:

The bill is to be known as "Sirta's Law."

Services

The Department is required to coordinate within its divisions, and enter into contracts with service providers, to ensure that parents in dependency cases receive priority for court-ordered services. If the parent is unable to pay for the services, the Department must provide funds for the services to the extent funding is appropriated in the operating budget. If the services are unavailable to the parent, the Department must notify the court that the parent is unable to meet the requirements of the court order because the services are unavailable to the parent.

The Department is required to assure that parents who are "defendants" in dependency cases are within the priorities established by the Regional Support Networks for mental health services.

Transition Issues

Prior to placing a child in the home of a parent, the Department is required to identify all care givers for the child and assess whether they are in need of services. The Department is required to provide services to the care givers to the extent funding is appropriated in the operating budget. If the Department recommends that the care giver engage in services, and the care giver fails to engage in the services, or follow through with the services, the Department must notify the court. The court may order the placement of the child in the parent's home be delayed or contingent upon the care giver receiving services.

The Department is also required to conduct background checks on all adults residing in the home and notify the parents that they have an on-going duty to notify the Department of any person who is residing in the home or acting as a care giver for the child.

Foster parents are authorized to be available to assist in transitioning a child back to the natural family if it is appropriate and the foster parent desires to be involved in the transition process.

Permanency Issues

If a child is removed from a parent due to abuse or neglect allegations, returned to the home of the parent, and subsequently removed due to allegations of abuse or neglect, the court must hold a review hearing. The court must decide what appropriate action to take including whether to change the permanency plan or require that a termination petition be filed. The court must use the best interest of the child as the primary consideration in deciding the appropriate action to take. The hearing must be held within 30 days of when the child was removed from the home and the best interest of the child must be the court's primary consideration.

Training

The Criminal Justice Training Commission is required to develop a curriculum related to child abuse and neglect that must be included in the basic law enforcement training.

Counties are required to revise their child sexual abuse protocols to address child abuse, criminal neglect, and fatality investigations.

Reporting

The Administrative Office of the Courts must compile a list of all cases which fail to meet the statutory guidelines for permanency for children and submit its report to the Legislature annually beginning on December 1, 2007.

The Joint Legislative Audit and Review Committee is required to analyze gaps in availability and access to services in dependency cases and report to the Legislature by December 1, 2007.

Appropriation: None.

Fiscal Note: Available. Preliminary fiscal note available on substitute bill.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: (Early Learning & Children's Services)

(In support of original bill) This bill incorporates recommendations from the task force, as well as a number of recommendations from the Ombudsman's reviews of children's deaths. We try to protect parents' rights, we try to support families, but we also work to make families accountable. This bill has a good balance of services and accountability. The revolving door of children going home, being removed, and going home again is being addressed. We are trying to facilitate better communication between law enforcement and children's services at the local level. Better training of law enforcement is an area of critical need. Grant parents priority access to services. To have successful outcomes, parents must engage early, but the services must be ready when they do. Please add Sirta's Law back into HB 1333.

(Neutral) Greater scrutiny over caregivers is important, regardless of whether they are parties to the dependency. This was a problem in Sirta's case. We support improvement instruction of law enforcement in handling abuse and neglect investigations.

(Opposed to original bill) We have concerns about the potentiality to create a duty to the Department that would have some legal and fiscal implications.

Staff Summary of Public Testimony: (Appropriations)

(In support) Every time a child is removed from a home, a child goes through a traumatic experience. There are 9,000 children today in foster care, and more than half of the children in foster care have been there for nearly three years. This is not only expensive but turns the best years in their lives into the worst and puts them through psychological stresses that most adults would find debilitating. These children are wards of the state, and the state needs to do better for these children. A child moved from home to home, who goes through multiple placements, removals, and returns home, learns that homes are something that can change, human bonds are made to be broken, adults cannot be trusted, and a real home and happiness are not in their future. Substitute House Bill 1333 contains recommendations from the task force created by the Legislature to look at child safety. The bill contains recommendations regarding services, training and permanency. All these recommendations are geared towards improving the child welfare system and improving the lives of children and families.

(Opposed) None.

Persons Testifying: (Early Learning & Children's Services) (In support of original bill) Representative Hinkle, prime sponsor; Gary Malkasian; Laurie Lippold, Children's Home Society of Washington; and Daniele Baxter, Foster Parents Association of Washington.

(Neutral) Mary Meinig, Office of the Family and Children Ombudsman.

(Opposed to original bill) Ross Dawson, Children's Administration.

Persons Testifying: (Appropriations) Gary Malkasian; and Laurie Lippold, Children's Home Society.

Persons Signed In To Testify But Not Testifying: (Early Learning & Children's Services) None.

Persons Signed In To Testify But Not Testifying: (Appropriations) None.